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The hon. the RAJA OF PANAGAL :—" No. Not in the next meeting, Sir, but later on after the recess."

The hon. the PRESIDENT :—" After the voting of demands for grants ? "

The hon. the RAJA OF PANAGAL :—" I do not think it will be possible to finish it by that time."

The hon. the PRESIDENT :—" Mr. Gopalaswami Ayyangar is, I believe, sitting here as an expert Member of this Bill also."

The hon. the RAJA OF PANAGAL :—" Yes. I have also included his name in the Select Committee."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Is it not necessary, Sir, that he should take the oath of allegiance in order to enable him to sit as a Member in connexion with this Bill also ? "

The hon. the PRESIDENT :—" We shall consider that point later on. In the meantime, if Mr. N. Gopalaswami Ayyangar wishes to vote on any motion, the hon. Member may raise a point of order, and we shall consider then."

The motion that the Bill be referred to a Select Committee was put and carried.

VI

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920

The hon. the RAJA OF PANAGAL :—" Sir, my observations in regard to the Madras District Municipalities Act Amendment Bill generally apply to this Bill also. I do not wish to take up more of the Council's time. With these few words, I move that the Bill to amend the Madras Local Boards Act be read in Council."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I second it."

The RAJA OF RAMNAD :—" I only wish to say a few words before I express my support to the Bill which the hon. the Raja of Panagal has introduced. The Bill provides for direct election for members of district boards, and it will be within your recollection, Sir, that when the Act of 1920 was passed I agitated for a provision of this kind, but it was thrown out owing to the peculiar composition of the then Council. Therefore, Sir, it is with particular pleasure that I welcome this Bill with reference to the question of direct election.

" There are certain other matters which require very careful consideration. For instance, the new provision sought to be introduced in place of the present section 31 (c) is one by which powers are taken to issue rules with reference to preservation of order. I do not know, Sir, if any such power is necessary, for the preservation of order is a matter common to all public meetings. I really do not understand what kind of rule the Government wish to issue in this matter, but I suppose the matter will be discussed in the Select Committee. I simply wish to say that this is a very serious amendment.

" Another matter is with reference to residence. I think sections 52 (e) and 56 (g) of the present Act deal with that question. One gentleman became a member of the Taluk Board of Ramnad, subsequently he became a member of the District Board of Ramnad and then he was nominated as a member of the Madura Municipal Council. I was told that there was nothing against this gentleman being a member in these three bodies. Added to this,

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he has since become a member of the Madura taluk and district boards, so that one gentleman is a member of four local boards and of a municipal council. Of course, the fact that Madura is the headquarters of two districts may, to some extent, account for this. But another section which requires that the residences of members should be within three miles' radius will affect this matter. I feel, therefore, that this provision will have to be looked into very carefully and worded in such a manner as to avoid such complications.

"Another provision is with reference to the restoration of members who have not attended three meetings consecutively. The present Act lays down that if a member does not attend meetings for three months, he shall cease to be a member. According to the amendment proposed a member who has lost his seat must apply within fifteen days from the cessation of his membership. It will be really difficult for a member to know on what particular date he had ceased to be a member. Power has been given to local bodies to meet once in two months and if a member ceased to be present in the three months when meetings were held once in two months, he may not have the knowledge of his membership having ceased to apply for restoration. I think, in practice, this provision would work a great hardship. I fail to see the necessity for this innovation. At present, at the meeting following the date on which the member's vacancy occurred, we consider this matter and if we then find that his absence was due to causes beyond his control, we always condone his absence and restore him to his membership. That rule has not in any way proved to be disadvantageous. Therefore I should think that the innovation suggested is not only not necessary, but will also create difficulties.

"With reference to the question of toll-gates, the hon. the Minister when dealing with the amendment to the District Municipalities Bill said that powers have to be taken by the Government to regulate the toll-gates. I can understand Government taking powers to regulate toll-gates in borders or in places where the adjacent bodies like municipalities may have toll-gates; but to take power to decide, even in the case of gates which are situated in the interior, whether a particular gate should be in existence or not, is, I think, very unreasonable. I think it is absolutely confiscating the powers of local bodies. I am sure that local bodies would resent such an interference from the Government. Therefore, there is no justification for the Government to take such a power. In all cases of internal administration, as, for instance, in the matter of licensing, I have had very bitter experience and different opinions are being expressed by different authorities with reference to sections 166 (1) and 166 (2). The hon. the expert Member Mr. N. Gopalaswami Ayyangar knows the difficulties that crop up. The District Magistrate would like to have one opinion, the Secretary to Government would like to have another opinion and the opinion of the Inspector of Local Bodies may differ from both. I do not know if any president of the district board has suffered as much as I have done in this matter. Sometimes the controversy has reached so far as to lead to personal misunderstandings. Therefore, Sir, this provision should be made clear as to whether a president of a district board is or is not under section 160 (1) to issue licences before bylaws are confirmed. The Government, I am unofficially informed, have issued instructions in the case of one district board, but they have not issued instructions in the case of others. There is uncertainty about this and owing to this uncertainty many difficulties are created. On one interpretation

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several companies have been fined by certain magistrates which on a different interpretation have been discharged by certain other magistrates. Therefore, I strongly urge that the Select Committee and the hon. the Minister for Local Self-Government should consider this in all possible aspects and so word the sections that their application may not create serious difficulties at least in future.

"I have nothing more to add, but to give my whole-hearted support to the Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"When I rise to support the introduction of this Bill, I wish to point out that it need not be a comprehensive Bill to amend the Local Boards Act. It is clear in the opening sentence of the Statement of Objects and Reasons.

The main object of this Bill is to remove the difficulties that the experience of nearly eighteen months of the actual working of the Madras Local Boards Act, 1920, has brought to light.

"The Bill for amending the Local Boards Act as in the case of District Municipalities Act has been under contemplation for some time. If hon. Members have not thought fit to give notice of their amendments, it is because they believed that either the Bill will be introduced in a comprehensive form or that opportunities will be given to them for bringing in their amendments in the course of this Bill. If the Bill goes without amendments being inserted in it, it will lead to confusion and give rise to other difficulties. If at the same time the Bills are introduced by Government, the Members should be given sufficient opportunity to make amendments in the first instance whatever may be their final form.

"So far as the explanation of the Bill is concerned I do not wish to take the Council into the details of its various provisions; I shall confine myself to one or two important changes which have been introduced. So far as the question of direct election is concerned, when this was debated, the House expressed itself in favour of direct election and very properly amendments have been introduced to carry out the intentions of the hon. Members of this House. I wish particularly to draw the attention of hon. Members to some changes which have been contemplated in section 199 of the Act, the section which deals with the rule-making powers of the Government. Clause 49 of the Bill states :

(d) *After clause (q) (of section 199 (2)) the following clause shall be added :*

"(r) as to the mutual relation of district boards, taluk boards and union boards and of their presidents and as to the matters in regard to which and the extent to which

- (i) the resolutions of a taluk board or the orders or acts of the president of a taluk board shall be subject to appeal to or revision by the district board or its president, and
- (ii) the resolutions of a union board or the orders or acts of the president of a union board shall be subject to appeal to or to revision by the district board or taluk board or the president of the district board or the president of the taluk board ;
- (s) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the tax on companies, profession tax and tolls ;
- (t) as to the principles according to which the business turn-over of companies shall be ascertained for purposes of assessment to the companies' tax."

Clauses (s) and (t) deal with other matters for regulating the share of local bodies in the Presidency of the proceeds of the taxes on companies, etc.

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"There is no objection so far clauses (s) and (t) are concerned.

12 noon. "Coming to the changes which are contemplated in clause (r) I should think, Sir, that the suggestions are of a somewhat retrograde character. We have all along been advocating a system whereby the local bodies should be made more self-reliant and autonomous, whereas this recommendation has the contrary effect. It will be found that, notwithstanding the liberal provisions of the Act to which the hon. the Minister referred while introducing the Madras District Municipalities Amendment Act, there has been a persistent complaint all-round that under the rule-making powers of the Government they have restricted the freedom of action of these local bodies to a substantial extent. This position is fairly clear from the various resolutions which have been passed at the local and municipal conferences held throughout the Presidency. Under the auspices of the Government and with their permission, conferences were held in six of the groups in 1921 and also in 1922. A mere glance at these resolutions will show that there has been a uniform complaint both from the municipal councils and from the local boards that their powers have been restricted by means of the rules framed under both the Local Boards and District Municipalities Acts, whatever might have been the original intentions of the framers of those Acts. I wish to point out that this Bill does not do anything so far as that section is concerned, but adds to the difficulties which may crop up in the way of these local bodies, the taluk boards and the union boards exercising their functions. Sir, I am aware that in introducing these provisions the Government were only actuated by some of the difficulties pointed out by certain presidents of local boards and possibly also of district boards. I am aware that it was upon the representations made by some of those presidents regarding the difficulty they experienced in carrying on the work either through the taluk board or the union board that these provisions were introduced in this Bill. But, Sir, I will point out that that by itself is not a circumstance which should militate against the wholesome principles which we have all along accepted in the working of this Bill. If rules have to be framed as contemplated in this new clause, I am afraid that they will seriously hamper the working of the taluk boards and the union boards.

"It will not be out of place if I take this opportunity to inform this House that, while we were at Vizagapatam at the Local and Municipal Conference, a complaint was made which I hope we who have something to do with the local bodies cannot afford to lose sight of, viz., that the presidents of the local bodies were becoming more autocratic, that some of the presidents of district boards had become more autocratic or bureaucratic than some of their predecessors. This complaint was made and it is as well that we take note of that fact and guard against such complaints. We have been trying to work these institutions on purely democratic lines, and notwithstanding difficulties which must arise, and notwithstanding differences of opinion which must exist, we must so shape these institutions as to make them more autonomous and more self-reliant than at present. I am making all these observations at present because I think and I hope it will have the support of other presidents also here; we must not do anything which will in any way hamper either the taluk board or the union board in the exercise of its discretion. I again appeal to the hon. the Minister that, in finally seeing this Bill through, he should rather see his way to cut out much of the

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provisions of the rule-making power of the Government. The day when he will earn the undying gratitude of the people of this country will be when he will give a real measure of self-government to these local bodies. And he will do it not by passing rules under section 199 so as to restrict them from exercising their powers, but by making them more liberal and by increasing their powers. With these remarks I support the introduction of this measure."

Diwan Bahadur P. KESAVA PILLAI:—"Sir, I am in entire sympathy with my hon. friend Mr. Krishna Rao; but I differ from him fundamentally. I am afraid he was rather eloquent in support of the principle of democracy, but he failed to see that there is no provision under the new Act for co-ordination between the boards and unions. Each has been taking the bit in its mouth and running its own way, and I am afraid there has been a good deal of loose organization in the district board administration, in the taluk board administration and in the union board administration. I may mention one or two facts. A taluk board president in my district found that the clerk of a union was running the union. The union chairman was a mere cipher. He wanted to transfer that union clerk to another place and to put in a better man in that place. The union chairman and the union board refused to transfer him. The matter was reported to the district board. The district board president requested the union chairman to obey the orders of the taluk board president; and yet he would not do it. Then the matter was reported to the Government. Government said that the order of the taluk board president should be obeyed, but the union chairman has not obeyed it till now. That is democracy; and that union board is run by a union gumasta and not by the chairman.

"I shall give you another instance. The Gooty Taluk Board imposed education cess in one taluk and refused to impose it in another taluk. That was a position which we cannot alter; but they refused to levy the cess in one taluk while all the other taluks, eight in number, were paying it. Now, the result is that all the elementary schools in that taluk will have to be closed. The people say 'We won't pay it', and we are not able to insist on the tax being levied there. It is all very nice to talk eloquently of democracy. Some of the people elected have been of the most unsatisfactory character and we cannot carry on the administration satisfactory to the people concerned.

"I think some rules have to be framed in order to bring about co-ordination between board and board and a healthy control over local bodies and their executive in a district. I expect that presidents of district boards will be very reasonable men with a sense of responsibility and at the same time with a love for public work, and I do not think they will be so bureaucratic, autocratic and all that sort of thing as our friends apprehend. Rules have to be made for guiding and controlling the minor bodies in a district, and I only wish the hon. the Minister will see that the boards are not unduly trammelled by revenue officials."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Why not?"

Diwan Bahadur P. KESAVA PILLAI:—"My friend here says 'Why not?' When he happens to be the President of a district board, he will see the effect of it."

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Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, as my friend has done me the honour of referring to me, I may only point out that everything he has said to-day is the very negation of the principle of self-government. When my friend referred to the revenue officers not being wanted and to getting rid of them, certainly I said why he should be so anxious to get rid of one kind of officials and to set up another in the taluk boards and union boards."

Diwan Bahadur P. KESAVA PILLAI :—" What I meant to say was to introduce non-official control."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Why, why ?"

Diwan Bahadur P. KESAVA PILLAI :—" Because I expect men like you will be patriotic enough to consider questions broadly and not from any narrow point of view and that your thoughts will not run merely through a particular groove."

Mr. A. RANGANATHA MUDALIYAR :—" The speaker should address the chair."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, the Bill proposes to do away with some of the principles that are embodied in the present Act. As one who has been long associated with local self-government, and as one who has taken some part in the shaping of the present Act under your distinguished presidency, Sir, I feel it my duty to support those principles and show the main idea that underlay when those principles were engrafted. The main idea, I may be permitted, Sir, to mention, was that all control must come from within the electorate and not from without. Previous to the Act of 1920 the union boards were mere agents of taluk boards. They were placed on an autonomous basis with well-defined functions of their own and with their own revenues, and the element of election was introduced in the hope that in important villages the principle of local self-government would be well inaugurated and all necessary control that might be necessary in running these bodies on a satisfactory basis would come from within, I mean from the electorate. Sir, it is now too early to say that that experiment has not been successful, and if there are any failures here and there, the real remedy lies not with the Government, nor with the taluk board or the district board. We shall have to see how the electorate will receive the changes. If the electorate is satisfied, it is well and good. But if it is not satisfied with the way in which the management of these union boards is carried on by the elected president and the members of the board, most of whom are also elected, if the electorate is not responsive to the good management of the union, perhaps the question may be examined. My first submission, therefore, is that it is too soon. As far as my personal experience goes, I shall be very strongly in favour of supporting autonomous bodies for the taluk boards as well as the union boards. Sir, we have hitherto been fighting against the paid bureaucrat, and now I find, instead of the paid bureaucrat, we have to fight against the honorary bureaucrat."

Diwan Bahadur P. KESAVA PILLAI :—" He is himself a District Board President, Sir, and evidently he is exercising that power."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I was saying in my preliminary remarks, Sir, that I was associated with that for a long time,

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When I said that, I meant that the two previous speakers were not so long acquainted with it as myself. My connexion with the taluk board began in the year 1912."

Diwan Bahadur P. KESAVA PILLAI:—" My connexion began in 1884" (laughter).

Rao Bahadur C. V. S. NARASIMHA RAJU:—" Surely, Sir, his connexion began as a member and not as a bureaucrat. So, I entirely endorse the views expressed by Mr. A. S. Krishna Rao in maintaining the autonomous nature of these local bodies at least for some time more so as to have a better experience of the working of these bodies.

"Now, Sir, it has been stated that the provision relating to the tolls is uncalled for. I may be permitted to remind the House that 12-15 p. m. under the rules that were in existence under the old Act Government had full control over the location of toll-gates wherever the distance was less than twenty miles. They had full power to settle the contributions between the local bodies. These are not to be found in the present Act and the present amendment wants only to reduce further trouble. It may be noticed that the district board will have power to locate the toll-gate wherever it pleases. Similarly the municipal council will have power to locate the municipal toll-gate within its limits. It may so happen that the distance between the two is one mile or less than one mile. Pending the disposal of the dispute between the two bodies, the public will be made to suffer. In such cases Government should have full power to adjust matters between the local bodies. Some general principles may be laid down under the rule-making powers.

"It has been complained that a single member has to be a member of the various bodies. I may be permitted to say that he may be a member of the Madras Corporation. The idea under the present Act is that a person should have a house and he need not actually live. Men may own residence at various places and have intention to live there. Such men will have their franchise. I personally do not see any objection. If a member is public spirited enough to find time to serve on the local bodies, no objection should be taken to that. Under the present amendment, the membership shall cease. The only difficulty is who is to take the initiative? Is it the president or the person himself? The new provision makes it clear that it is the duty of the member, if he wishes to continue as a member of the board, to put in an application that he may be accepted and restored as a member. That is the main principle of the amendment and of course as to the period within which he may be restored it may be either 15 days or one month. I may be permitted to state that this control that is to be exercised by the local bodies becomes all the more objectionable when we read section 199 with the provision relating to the election of district boards. It is contemplated under the Bill that the district board should contain members entirely out of the taluk boards. When that is the case, it becomes all the more objectionable. The submission of the taxation proposals by the taluk boards to the district board for its approval is, I think, a sufficient safeguard. I think we need not go beyond that and try to control the resolutions of taluk boards by obtaining the approval of the district boards. Now, Sir, in the matter of establishment, except in the case of the Health Officer and the District Board Engineer, it is laid down under the present Act that the local board shall have complete freedom to have its own establishment. Now, Sir, it is attempted under the provisions of this amending

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Bill to curtail that power and revert to the old system. I think this is an objectionable feature and requires further consideration in the hands of the Select Committee."

Rao Bahadur T. BALAJI RAO NAYUDU :—" Mr. President, Sir, I wish to make a few observations regarding the measure under discussion. From what I understood in the course of the discussion it seems that nothing which does not concern the amendments proposed should be brought in in the Select Committee. That being so, I do not think any useful purpose will be served by my dwelling on those points. However, I may be permitted to mention one or two points which must attract the attention of all concerned. Everyone of us wished to have these local bodies as independent and autonomous as possible. Everyone in the district board including the hon. Member Mr. C. V. S. Narasimharaju is feeling that there is some control over the district board."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I do not feel."

Rao Bahadur T. BALAJI RAO NAYUDU :—" The district board is controlled by the Government, and so any communication from the district board is taken very seriously. But in the case of the taluk boards and the unions there is no response and they do not care to attend to the communications received from the district board. For instance, I may say that the figures required for the administration report have not yet been received in my district and the president of the district board is unable to do anything without them. That is a matter which I think requires the consideration of the House and I am not sure if the amendments brought forward include that."

"The second point is one of greater difficulty. In the old Act there was a provision to the effect that all persons in the employ of Government performing any executive or ministerial duties in carrying out the purposes of the Act should contrive to discharge such duties unless and until the Governor in Council otherwise directed. In the present Act this provision is omitted. Though gentlemen who urged the advancement of self-government did not want to be guided by Collectors and divisional officers in the matter of carrying on administration, I think we ought to have the help of the subordinate staff. Matters have come to such a pass that the tahsildar says it is not his duty, the village munsif says it is not his duty and even the vettiyans who beat tom-tom have received distinct orders that they need not comply with the requests of the local bodies. The result is that the local bodies have to engage all these officers including the vettiyans. I think it will be a waste of public funds to employ all this subordinate agency, and it is quite necessary that the provision contained in the old Act should be inserted in the new Act. The local bodies must be helped to some extent at least. It is very difficult to carry on administration—as a matter of fact, it will handicap the administration—unless the local boards spend a good deal on these matters."

"There is some difficulty with regard to the delegation of powers. I do not think my explaining the details will be of any use. Clause 23 has not been touched by the amendment."

"So also with regard to the provision for calling for records. The toll-gates question is another important matter. I do not think that the amendments are quite sufficient. There is a tendency on the part of the members

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of the district board, as far as my experience goes, to reconsider the subjects which have already been settled. Once in a year, any member can bring in a resolution, and of course if the resolution is carried by the majority, the gate has to be closed. If we are to allow that kind of business for the purpose of allowing self-government to go on, I am afraid all the toll-gates will be starved. To avoid that tendency I want to bring a proposition that we may tax carts throughout the district. In the Act as it is, there is no provision to charge the carts whether they pass through the gates or not. With these remarks I support the motion."

Mr. T. ARUMAINATHA PILLAI:—"I move that the question be now put."

The motion for closure was put and carried.

The original motion was then put to the House and carried.

The Secretary then read the title of the Bill.

The hon. the RAJA OF PANAGAL:—"I now move, Sir, that the Bill be referred to a Select Committee consisting of the hon. Members who constitute the committee appointed in connexion with the other Bill."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I second it."

The motion was put and carried.

VII

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

The Council resumed consideration of motions on matters of general public interest.

Committee to investigate into grievances of ryots in respect of forest reserves adjoining villages.

Mr. B. MUNISWAMI NAYUDU:—"Sir, I beg to move—

48. *That this Council recommends to the Government that a committee of which not less than two-thirds shall be non-officials be constituted for each district to investigate all cases where forest reserves lie within a mile of either the village-site or the cultivated area of a village and to make recommendations to Government suggesting either the disafforestation of such areas or other suitable action to be taken to redress the grievances of ryots.*

"Sir, the House will remember that last year, in August, a resolution was passed that all forest areas lying within a mile from the village or cultivated area should be disafforested. That resolution was not accepted by the Government, and a Government Order was issued in the following terms:

The Government are unable to accept the principle that proximity to occupied areas within one mile, *as such*, should justify disafforestation. Where specific instances are brought to notice, and it can be shown *prima facie* that proximity causes hardship, the Government will be ready to institute the necessary inquiries and give redress if possible. One form of redress which in such cases may be considered will be to convert forest areas in proximity to occupied areas into (class V) panchayat forests, provided that the nature of the forest and the general conditions and general interests of the people justify this change.

"Sir, this House made it clear in accepting the resolution last year that the proximity of these reserves to villages and to occupied land itself constituted a source of grievance to the people, and by reason of the contact it was possible for the forest subordinates, who even according to the Fores: